

REMARKS/ARGUMENTS

This paper is in response to the third Office Action, which was mailed April 26, 2004 with regard to the above-identified application. This response is being timely filed in view of a petition for a one-month extension of time. The petition for an extension of time and the appropriate fee accompany this response. The amendment does not result in a net addition of claims, and no additional fee is believed to be due. However, if any additional fee is found to be due in connection with this response, authorization is provided to charge the fee to Deposit Account No. 50-0573.

Claims 1-8, 10-18, and 23-29 are pending in the application, as amended. Claims 1, 7, 12, 13, 16, 17, 18 and 23 have been amended to more particularly point out and claim the invention. Support for the amendments is found at least in the figures. Claims 19-22 have been cancelled. New dependent claims 26-29 have been added, reciting the subject matter of cancelled claim 19, and depending from independent claims 1, 7, 12, and 13, respectively. No new matter has been added by this amendment.

At the onset, the Applicants wish to thank the Examiner for the courtesy extended to the Applicants' attorney representative in a telephone interview conducted August 17, 2004. In the course of the interview, potentially distinguishing features of various embodiments of the invention were discussed, particularly with respect to claims 1, 7, 12, 16, and 23. Amendment of claim 16 was also discussed, with the Examiner indicating that additional searching would potentially be required in view of the amendment. The Examiner suggested that the Applicants consider presenting the subject matter recited in claims 19-22 in dependent format. The claims have been amended in a manner believed to be in accordance with the interview discussion.

Claim Rejections – 35 U.S.C. §102

Claims 1-3, 12, 13, and 16-18 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 5,920,075 (Whitehead). In order for a prior art reference to be anticipating, it must disclose each and every element set forth in the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131. In view

of the foregoing amendments, Applicants respectfully traverse rejection of claims 1-3, 12, 13 and 16-18, as Whitehead does not disclose each and every element of the present claims.

Independent claim 1 is directed to a germicidal UV lamp and as amended recites, *inter alia*:

...
b. a safety switch on the housing for activating the light source, the safety switch having a tool engaging portion adapted to engage an activation tool;

...
d. an activation tool adapted to engage the tool engaging portion of the safety switch in order to selectively non-rotatably translate the safety switch between an on and an off position. (emphasis added)

Claim 1 has been amended to clarify that the safety switch moves in a sliding motion, to non-rotatably translate between the on and off positions. Support for the amendment is found in the figures, particularly Figs. 2 and 3A-3C.

Whitehead discloses an ultraviolet light sterilization device having an electronic safety mechanism 50 that includes a lock 60 that is actuated with a key 65. When the key 65 is used to turn the lock 60 to an appropriate position, a power supply is operatively coupled to the electronic safety mechanism 50. Whitehead thus discloses a lock 60 that functions as a switch when rotated.

Whitehead does not disclose a switch which is non-rotatably translated, or moved in a sliding, linear motion, between on and off positions. Because Whitehead fails to disclose a switch which non-rotatably translates between an on and an off position, as recited in claim 1, claim 1 is not anticipated by Whitehead. Claims 2 and 3, which depend from claim 1, are also not anticipated by Whitehead at least by virtue of their dependency upon claim 1. As Whitehead fails to disclose each and every element of claims 1-3, as amended, Applicants respectfully submit that claims 1-3 are not anticipated by Whitehead, and Applicants request that the rejection of these claims under 35 U.S.C. § 102(b) be withdrawn.

Independent claim 12 is directed to a germicidal UV lamp and as amended recites, *inter alia*:

...

c. a cover mounted to the housing **for sliding movement relative to the housing** and selectively moveable in relation to the switch and the housing for preventing finger access to the switch when the cover is moved to a first position to cover the switch and allowing finger access to the switch when the cover is moved to a second position to uncover the switch. (emphasis added)

Claim 12 has been amended to clarify that the cover moves relative to the housing in a sliding motion, to move between first and second positions. Support for the amendment is found in the figures, particularly Figs. 7A, 7B, 8A and 8B.

Whitehead does not disclose a cover which is mounted to a housing for sliding movement relative to the housing between a first position and a second position, wherein in the first position the cover prevents finger access to a switch, and in the second position the cover allows finger access to the switch. Because Whitehead fails to disclose a cover as recited in claim 12, claim 12 is not anticipated by Whitehead. As Whitehead fails to disclose each and every element of claim 12, as amended, Applicants respectfully submit that claim 12 is not anticipated by Whitehead, and Applicants request that the rejection of claim 12 under 35 U.S.C. § 102(b) be withdrawn.

Independent claim 13 is directed to a germicidal UV lamp and as amended recites, *inter alia*:

...

d. an activation tool, the activation tool formed from an electrically conductive material, the activation tool adapted to pass through the opening in the cover, and being sized and shaped to bridge the gap to bring the opposing terminals into electrical communication, wherein upon insertion into the gap, the activation tool contacts each terminal thereby completing a circuit and allowing current to flow through the terminals and the activation tool.

Claim 13 has been amended to clarify that the activation tool is sized and shaped to bridge a gap, bringing opposing electrical terminals into electrical communication. Support for the amendment is found in the specification (page 7, paragraph 32) and in Fig. 6.

Whitehead does not disclose an activation tool sized and shaped to bridge a gap between opposing electrical terminals, such that the terminals are brought into electrical communication upon insertion of the tool into the gap. Because Whitehead fails to disclose an activation tool as recited in claim 13, claim 13 is not anticipated by Whitehead. As Whitehead fails to disclose each and every element of claim 13, as amended, Applicants respectfully submit that claim 13 is not anticipated by Whitehead, and Applicants request that the rejection of claim 13 under 35 U.S.C. § 102(b) be withdrawn.

Independent claim 16 is directed to a germicidal UV lamp and as amended recites, *inter alia*:

...

c. a plate having an opening forming a switch engaging portion, the switch engaging portion operatively engaging the switch to non-rotatably translate the switch between an on position and an off position, and the plate having a tool engaging portion shaped to engage an activation tool;

Claim 16 has been amended to clarify that the lamp comprises a plate having an opening forming a switch engaging portion, the switch engaging portion being operatively engaged with the switch to non-rotatably translate the switch between an on and an off position. Support for the amendment is found in the specification (pages 5-6, paragraphs 27 and 28) and in Figs. 4A and 4B.

Whitehead does not disclose a plate having an opening forming a switch engaging portion, the switch engaging portion being operatively engaged with the switch to non-rotatably translate the switch between an on and an off position. Because Whitehead fails to disclose a plate and switch as recited in claim 16, claim 16 is not anticipated by Whitehead. Claims 17 and 18, which depend from claim 16, are also not anticipated by Whitehead at least by virtue of their dependency upon claim 16. As Whitehead fails to disclose each and every element of claims 16-

18, as amended, Applicants respectfully submit that claims 16-18 are not anticipated by Whitehead, and Applicants request that the rejection of these claims under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections – 35 U.S.C. §103

Claims 4-8, 10, 11, 14, 15, and 19-25 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Pat. No. 5,920,075 (Whitehead) in view of U.S. Pat. No. 5,029,252 (Ameseder) and U.S. Pat. No. 5,523,057 (Mazzilli). To establish a *prima facie* case of obviousness, all of the elements of a claim must be disclosed, taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); MPEP § 2143.03. Applicants respectfully traverse rejection of pending claims 4-8, 10, 11, 14, 15 and 23-25, as Whitehead in the proposed combination with Ameseder and Mazzilli does not disclose, teach or suggest all of the elements of these claims. Rejection of claims 19-22 is moot in view of cancellation of these claims.

Dependent claims 4-6 depend directly or indirectly from independent claim 1, and include each of the features of claim 1, including the features of a safety switch and an activation tool for non-rotatably translating the safety switch between off and on positions. As discussed above relative to claim 1, Whitehead fails to disclose the features of claim 1 of a safety switch which is non-rotatably translated by an activation tool between on and off positions. Furthermore, neither Ameseder nor Mazzilli disclose these features. As Whitehead, Ameseder and Mazzilli, both individually and in the proposed combination, fail to disclose, teach or suggest a safety switch and activation tool which non-rotatably translates the switch between an on and an off position, as recited in claim 1, and consequently in claims 4-6 depending from claim 1, claims 4-6 are patentable over Whitehead, Ameseder and Mazzilli. Accordingly, Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn.

Independent claim 7 is directed to a germicidal UV lamp and degermination chamber and as amended recites, *inter alia*:

...
b. a degermination chamber having an opening, the opening being sized and shaped to allow the degermination chamber to be connected to an exterior of the lamp housing adjacent the aperture and comprising a wall with a slot therein for receiving objects to be sterilized by UV light from the aperture.

Claim 7 has been amended to clarify that the degermination chamber has an opening sized and shaped to allow the degermination chamber to be connected to an exterior of the lamp housing adjacent the aperture. Support for the amendment is found in Fig. 5.

Neither Whitehead, Ameseder nor Mazzilli disclose, teach, or suggest the feature of a degermination chamber having an opening sized and shaped to allow the degermination chamber to be connected to an exterior of a lamp housing. As Whitehead, Ameseder and Mazzilli, both individually and in the proposed combination, fail to disclose, teach, or suggest a degermination chamber as recited in claim 7, claim 7 is patentable over Whitehead, Ameseder and Mazzilli. Claims 8, 10, and 11, which depend from claim 7, are also patentable over Whitehead, Ameseder, and Mazzilli, both individually and in combination, at least by virtue of their dependency upon claim 7. Accordingly, Applicants respectfully request that the rejection of claims 7, 8, 10, and 11 under 35 U.S.C. § 103(a) be withdrawn.

Dependent claims 14 and 15 depend from independent claim 13, and include each of the features of claim 13, including the features of an activation tool sized and shaped to bridge a gap separating opposing electrical terminals such that upon insertion into the gap the activation tool contacts each terminal to complete an electrical circuit. As discussed above, Whitehead fails to disclose, teach, or suggest at least these features of claim 13. Furthermore, neither Ameseder nor Mazzilli disclose, teach or suggest these features. As Whitehead, Ameseder and Mazzilli, both individually and in the proposed combination, fail to disclose, teach, or suggest an activation tool sized and shaped to bridge a gap separating opposing electrical terminals such that upon insertion into the gap the activation tool contacts each terminal to complete an electrical circuit, as recited in claim 13, and consequently in claims 14 and 15 depending from claim 13, claims 14 and 15

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are patentable over Whitehead, Ameseder and Mazzilli. Accordingly, Applicants respectfully request that the rejection of claims 14 and 15 under 35 U.S.C. § 103(a) be withdrawn.

Independent claim 23 is directed to a germicidal UV lamp and as amended recites, *inter alia*:

...

a degermination chamber having an opening, the opening being sized and shaped to allow the degermination chamber to be connected to an exterior of the housing adjacent the aperture and comprising UV absorbing translucent material, the chamber being open to the aperture for receiving UV light.

Claim 23 has been amended to clarify that the degermination chamber has an opening sized and shaped to allow the degermination chamber to be connected to an exterior of the housing adjacent the aperture. Support for the amendment is found in Fig. 5.

Whitehead fails to disclose, teach or suggest the feature of a degermination chamber having an opening sized and shaped to allow the degermination chamber to be connected to an exterior of a housing. Furthermore, neither Ameseder nor Mazzilli disclose, teach, or suggest this feature. As Whitehead, Ameseder and Mazzilli, both individually and in the proposed combination, fail to disclose, teach, or suggest a degermination chamber with the features as recited in claim 23, claim 23 is patentable over Whitehead, Ameseder and Mazzilli. Claims 24 and 25, which depend from claim 23, are also patentable over Whitehead, Ameseder, and Mazzilli, both individually and in combination, at least by virtue of their dependency upon claim 23. Accordingly, Applicants respectfully request that the rejection of claims 23-25 under 35 U.S.C. § 103(a) be withdrawn.

New Claims 26-29

New dependent claims 26-29 have been added, reciting the subject matter of cancelled claim 19, and depending from independent claims 1, 7, 12, and 13, respectively. No new matter has been added by addition of these claims. As discussed above, independent claims 1, 7, 12,

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and 13 each recite features not disclosed, taught, or suggested by the prior art of record. Accordingly, claims 26-29 are also patentable over the prior art of record at least by virtue of their dependency upon claims 1, 7, 12, and 13, respectively.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that the present application, including claims 1-8, 10-18, and 23-29, is in condition for allowance, and such action is respectfully requested. If direct communication will expedite the allowance of the application, the Examiner is invited to telephone the undersigned attorney for Applicants or the undersigned attorney's associate, Kerry Goodwin, at (215) 988-2655.

Respectfully submitted,

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